

VZCZCXYZ0001
RR RUEHWEB

DE RUEHGB #0221/01 0281534
ZNY CCCCC ZZH
R 281534Z JAN 10
FM AMEMBASSY BAGHDAD
TO RUEHC/SECSTATE WASHDC 6335
INFO RUCNRAQ/IRAQ COLLECTIVE

C O N F I D E N T I A L BAGHDAD 000221

SIPDIS

DEPT FOR DRL/NESCA AND NEA/I

E.O. 12958: DECL: 01/27/2020
TAGS: [PGOV](#) [KDEM](#) [PHUM](#) [IZ](#)
SUBJECT: PASSAGE OF NGO LAW SIGNALS MAJOR STEP FORWARD FOR
IRAQI CIVIL SOCIETY

Classified By: Classified by Political Counselor Yuri Kim for Reasons 1
.4 (b) and (d).

[11](#). (C) SUMMARY. In one of the last sessions of the outgoing Council of Representatives, Iraqi legislators adopted a bill regulating the status of non-governmental organizations (NGO) that, once promulgated by the Presidency Council later this month, will be the gold standard for civil society legislation in the region. Refined after months of consultations with Iraqi civil society activists and with technical assistance primarily from the State/DRL-funded International Center for Not-for-Profit Law (ICNL), the bill incorporates international best practices and creates a framework for a strong, independent civil society, legally authorized to partner with foreign NGOs. Passage of the bill also reflects the ability of Iraq's nascent civil society to mount an advocacy campaign to achieve political goals, as well as a political victory for Kurdish COR Member Ala Talabani, who led the fight in the COR for passage. END SUMMARY.

[12](#). (U) International NGOs and civil society leaders began campaigning for a new law governing NGOs in 2006 as concerns rose over the Coalition Provisional Authority (CPA) order regulating the rights of NGOs. Although a clear improvement over repressive Saddam Hussein-era laws, CPA Order 45 gave the CPA, and later the GOI, the authority to suspend the activities of an NGO and confiscate its property without cause. Random audits of NGO finances were also authorized. While these provisions were necessary given the security situation during the early days of the CPA - NGOs were often used as front organizations for terrorist groups - civil society activists and international human rights groups began to press to bring Iraq's NGO regulation into line with international norms.

A Bad First Draft Sparks Civil Society to Act

[13](#). (U) The catalyst that compelled civil society to take concrete action was the introduction in March 2009 of a draconian bill from the Council of Ministers that would have increased the GOI's authority to regulate NGO activities including imposing criminal penalties on NGOs that failed meet basic administrative requirements. In addition, this early draft bill would have prohibited Iraqi NGOs from receiving foreign funding or from "affiliating" with any foreign entity such as an international NGO or donor agency. This provision would have halted a large part of the work the USG and other donor governments are engaged in to strengthen Iraq's civil society.

COR Member Ala Talabani Leads the Fight

[14](#). (C) Ala Talabani, President Jalal Talabani's niece and the Chairwoman of the COR's Civil Society Committee, was

quick to recognize the collective concerns of Iraqi NGOs about the original draft law. In May 2009, she addressed a conference organized by the UN and ICNL, a DRL grantee funded to provide technical assistance to the GOI and civil society on drafting an NGO law, and strongly refuted the claims of a representative from the State Ministry for Civil Society that NGOs must be tightly controlled by the GOI for security reasons. A veteran activist both in her native Kurdistan and in Britain, Talabani's credibility as a representative for Iraqi civil society has been a major asset in highlighting the concerns of Iraqi NGOs in the COR. Talabani worked with ICNL and on a more limited basis with the UN office here, to halt progress in the COR on the first draft and develop substantial amendments. She readily adopted the amendments proposed by ICNL as her own and secured support for the bill from members of the Civil Society Committee and like-minded MPs. A group of prominent Iraqi NGOs also worked with ICNL to develop an advocacy strategy to oppose the first draft of the bill and that strategy was effective in bringing the concerns of Iraqi NGOs about the original draft to senior officials and MPs.

15. (C) The amended bill had two of its three required COR readings in autumn 2009, but most of our informed interlocutors were not optimistic that Talabani would be able to schedule a third reading of the draft law before the COR's term expired at the end of January. After consultations with Talabani and ICNL, POL M/C used meetings in mid-January with both COR Deputy Speakers to stress the importance of scheduling a vote on the law. Talabani organized a January 20 meeting between COR Speaker Ayad Al-Sammarai'e and EU and U.S. diplomats, where Poloffs emphasized the importance of the law to securing Iraq's

democratic development and as a lasting legacy of this COR. Working with ICNL, Talabani organized Iraqi civil society groups to lobby COR members as well -- an approach Speaker Sammarai'e had recommended in his meeting with Poloffs and Talabani. Reports from Talabani indicated that NGO advocacy in support of the bill had an impact in moving the bill forward in the COR.

6 (C) Talabani continued to lobby Sammarai'e in the days following, and the Speaker ultimately scheduled a third reading of the bill on January 25. After very little debate, the bill passed with a clear majority. COR Member Shatha al-Obosi, also a member of the Civil Society Committee, noted that the bill had the overwhelming support of female legislators and was not opposed by any of the major party blocs. The law was subsequently sent to the Presidency Council, which has ten days to approve or veto the law. Embassy contacts indicate that they have not heard of any opposition from either Vice President; Talabani has informed Poloffs that her uncle, President Talabani, supports the law.

A Milestone for NGOs

17. (SBU) The passage of the law sparked a flood of congratulatory comments to Talabani, her supports, and even to ICNL the State-funded grantee that had played a technical advisory role. Clearly a major step forward for Iraqi NGOs, one civic leader in Anbar noted "The NGO law is born from the womb of suffering and we hope that its birth will allow Iraqi organizations to pay their important role in the creation of the modern Iraqi state." Another NGO director proclaimed January 25 a "national day of celebration for all organizations in Iraq." According to ICNL's Program Director for the Middle East, the law is remarkably progressive and the only items in the law not in accordance with international norms are requirements that the membership of an NGO established by a foreigner be 75 percent Iraqi and that foreign NGOs must report the names of their local staff to the NGO Directorate.

Comment

18. (C) The passage of the NGO law marks a major milestone in the development of a strong, independent Iraqi civil society.

Provisions allowing for direct financing by foreign donors will ensure that existing relationships the USG has with Iraqi NGOs continue. The law also provides a straightforward process by which American and other foreign NGOs can establish a lasting presence in Iraq. Recognizing that it is not sufficient to simply have a progressive law on the books, ICNL is now working with its Iraqi NGO partners to develop an awareness campaign that will educate NGOs across Iraq on the provisions of the new law.

HILL